

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SAMUEL LEEK SALPATORIA,

Case No. 20-CV-1479 (SRN/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

CHAD WINKEL et al.,

Defendants.

In an order dated November 17, 2020 (the “November 2020 Order”), this Court noted that this District does not appear to be a correct venue for this litigation; the events at issue took place entirely within the State of South Dakota, and none of the named Defendants appears from the Complaint to be Minnesota residents. (*See* Dkt. 7 at 2; *see also* Dkt. 1 at 4-5.) Accordingly, the Court ordered Plaintiff Samuel Leek Salpatoria to show cause within 30 days why this Court should not transfer this matter to the U.S. District Court for the District of South Dakota under 28 U.S.C. § 1406(a).

Salpatoria has since submitted three documents to the Court: one consists of notes handwritten on a copy of the November 2020 Order (*see* Dkt. 8); the other two present additional documentation (*see* Dkt. 9, 10). These documents are hard to follow, but critically, nothing in them suggests that the District of Minnesota is an appropriate venue for this action under the criteria established by 28 U.S.C. § 1391(b). (*See* Dkt. 7 at 1-2 (quoting § 1391(b)).) Specifically, nothing in Salpatoria’s filings suggests that any Defendants reside in Minnesota or that a “substantial part” of the events relevant to the

Complaint's claims took place in Minnesota. As a result, the Court recommends transferring this matter to the District of South Dakota. Salpatoria's application to proceed *in forma pauperis* (Dkt. 2) remains pending and may be left to be addressed in the first instance by the transferee court.¹

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this matter be **TRANSFERRED** to the U.S. District Court for the District of South Dakota under 28 U.S.C. § 1406(a).

Dated: February 17, 2021

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

¹ Certain documents Salpatoria has submitted appear to address his immigration status and/or a pending order of removal. (*See, e.g.*, Dkt. 10 at 1.) This Court leaves it to the transferee court to determine the impact (if any) of these materials on this action.